

**REMARKS/ARGUMENTS**

Claims 28, 32 and 37-40 now stand in the present application, claims 23, 24, 30 and 31 having been canceled and new claims 37-40 having been added. Applicant notes with appreciation the Examiner's allowance of claims 28 and 32 and respectfully submits that in view of the above amendments and the following remarks that all of the claims now standing in this case are now in condition for allowance. Accordingly, reconsideration and favorable action is respectfully requested in this case based on this Amendment.

As noted above, rejected claims 23, 24, 30 and 31 have been canceled. In addition, new claims 37-40 recite the allowable features found in claims 28 and 32, but recited with respect to the uppermost layer of the semiconductor device. For example, claim 37 similarly to claim 28 recites that the uppermost layer is formed of uniform minute crystal grains having small pinhole size gaps therebetween and with a crystalline nucleus density of the uppermost layer being higher than those of the intermediate and lowermost layers. Accordingly, claim 37 has a similar recitation with respect to the uppermost layer as does allowed claim 28 with respect to the lowermost layer. Newly added claim 38 recites that the crystalline nuclear density of the uppermost layer is higher than those of the lowermost and intermediate layers and thus has a similar allowable feature to that of claim 32 wherein the lowermost layer is recited to have a crystalline nucleus density higher than those of the uppermost and intermediate layers. Newly added claim 39 further recites that both the uppermost and lowermost layers are formed of uniform minute crystal grains having small pinhole size gaps therebetween and with crystalline nucleus densities of the uppermost layer and the lowermost layer being higher than that of the intermediate layer. Accordingly, claim 39 recites the

allowable feature of claim 28 which is limited to just the lowermost layer. Finally, newly added claim 40 recites that the crystalline nuclear densities of both the uppermost layer and the lowermost layer are higher than those of the intermediate layers. Accordingly, this claim has similar allowable features as claim 32 which recited the same limitations with respect to only the lowermost layer.

Since all of claims 37-40 recite limitations that were found to be allowable over the art of record, namely Fukuda et al., all of claims 37-40 are also believed to patentably define over the cited reference as did claims 28 and 32.

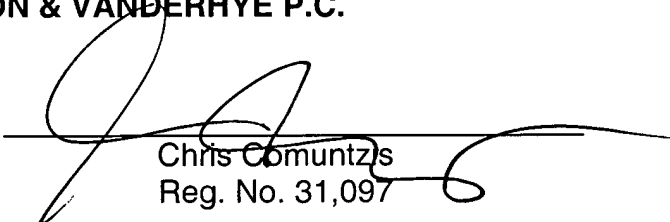
Therefore, in view of the above amendments and remarks, it is respectfully requested that the application be reconsidered and that all of claims 28, 32 and 37-40, now standing in the application, be allowed and that the case be passed to issue. If there are any other issues remaining which the Examiner believes could be resolved through either a supplemental response or an Examiner's amendment, the Examiner is respectfully requested to contact the undersigned at the local telephone exchange indicated below.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

CC:lmr

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